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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,944	10/05/2001	Ralf Czepluch	20010896	4084

7590 03/21/2007

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EXAMINER	
AKINTOLA, OLABODE	
ART UNIT	**PAPER NUMBER**
3691	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/971,944	CZEPLUCH, RALF	
	Examiner	Art Unit	
	Olabode Akintola	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7, 10-16, 19-25 and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day (US 6749511) ("Day") in view of Sakamoto (US 6315663) ("Sakamoto").

Re claims 1-7, 10-16, 19-25 and 28-34: Day teaches a method for attracting customers to an e-commerce supplier's on-line representation, wherein an on-line game is provided for the customers within the, or linked to the, on-line representation (col. 1, line 65 – col. 2, line 6); a customer who plays the game gets a reward or a prospect of a reward (col. 2, lines 7-19). Day

does not explicitly teach wherein the game has to be played repeatedly by the customer in order to get the reward or increase or maintain the prospect of the reward. However Day teaches reward for playing the game (Col. 3, lines 36-55). Sakamoto teaches wherein the game has to be played repeatedly by the customer in order to get the reward or increase or maintain the prospect of the reward (col. 14, line 65 – col. 15, line 13).). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Day to include this feature as taught by Sakamoto. One would have been motivated to do so in order to allow the player to repeatedly play the game for a big bonus.

Claims 8, 17, 26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day in view of Sakamoto and further in view of Olsen (US 6110043) ("Olsen") or Yoseloff et al (US 6311976) ("Yoseloff").

Re claims 8, 17, 26 and 35: Day does not explicitly teach wherein, if the customer does not play a further game within a certain period of time, an already-acquired prospect of a reward is gradually or suddenly reduced. Olsen/Yoseloff teaches if the customer does not play a further game within a certain period of time, an already-acquired prospect of a reward is gradually or suddenly reduced (Olsen: col. 10, lines 24-56, col. 12, lines 11-59; Yoseloff: col. 9, lines 39-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Day to include this feature as taught by Olsen/Yoseloff. One would have been motivated to do so in order to retain the eligibility of the bonus associated with the game.

Claims 9, 18, 27 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Day in view of Sakamoto and further in view of Buckley et al (US 6572380) ("Buckley").

Re claims 9, 18, 27 and 36: Day does not explicitly teach wherein, the customer has to replay the game periodically in order to get the reward or increase or maintain the prospect of the reward. Buckley teaches wherein the customer has to replay the game periodically in order to get the reward or increase or maintain the prospect of the reward (abstract, col. 7, lines 54 - 67). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Day to include this feature as taught by Buckley. One would have been motivated to do so in order to allow the player to periodically replay the game for tangible rewards.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leason et al (US 6251017) teaches a method for conducting a promotional game in which the awards are access to one or ore predetermined internet based services or sites.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

HANI M. KAZIMI
PRIMARY EXAMINER